

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 14, 2001

DIVISION ONE

B143689 Brenda J. Preuitt (Not for Publication)

v.

County of Los Angeles et al.

We reverse the July 26, 2000, judgment for defendants, which should not have been entered due to a remaining fifth cause of action for violation of 42 United States Code section 1983 based on the allegedly wrongful shooting death of plaintiff's son. We affirm the July 26, 2000, order granting defendants' motion for summary adjudication of the state claims (1st - 4th causes of action), but strike the language directing the entry of judgment for defendants. Regarding the March 29, 2000, order overruling the demurrer in its entirety: (1) We affirm the order overruling the demurrer to the fifth cause of action for violation of 42 United State Code section 1983 based on the allegedly wrongful shooting death of plaintiff's son. (2) We reverse the order overruling the demurrer to the sixth cause of action for violation of 42 United State Code section 1983 based on the allegedly wrongful imprisonment of plaintiff. (3) We direct the trial court on remand to enter a new order sustaining the demurrer to the sixth cause of action without leave to amend. Plaintiff (appellant) is awarded her costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B143654 Los Angeles County, D.C.F.S. (Not for Publication)

v.

Richardo M. and Celia M.

In re Rocky M., a person coming under the juvenile court law

The judgment (order terminating parental rights) is reversed and the matter is remanded to the juvenile court with directions to hold a new hearing pursuant to section 366.26 after proper notice to parents pursuant to section 366.23

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

B139606 People (Not for Publication)

v.

Paul Hyun Lee

The judgment is affirmed. The matter is remanded for issuance of a corrected abstract of judgment as described in part IV of this opinion. The new abstract is to be sent to the Department of Corrections.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

B129670 People (Not for Publication)

v.

Robert Johnson et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

DIVISION TWO

B142681 People (Not for Publication)
v.
Roger Allen Garcia

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B141069 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Ruby C.
In re Julian C., et al., Persons Coming Under the Juvenile Court Law

The orders terminating jurisdiction, granting sole legal and physical custody to Joseph, and granting limited visitation to Ruby are reversed, and the cause is remanded to the juvenile court with directions to hold the evidentiary hearing requested by Ruby, and to thereafter decide the issues of jurisdiction, custody and visitation.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B138247 Yolanda Torres, as
 Executor, etc., et al. (Not for Publication)
 v.
 Nnaemeka Udoh

The judgment is affirmed. Respondent(s) to recover costs.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B140467 Patirica DuPre (Not for Publication)

v.

Calendo, Puckett, Sheedy & DiCorrado et al.

Summary judgment is reversed and the matter remanded for the trial court to determine the other issues presented by respondents' motion for summary judgment. The trial court's order granting respondents' motion to strike is affirmed. Each side to bear its own costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B136677 The People (Certified for Partial Publication)

v.

Fremont General Corporation

The judgment is affirmed. Respondent(s) to recover costs.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B145394 Phillip Gangwish

v.

Workers Compensation Appeals Board

Filed order modifying opinion. Order certifying opinion for publication.
(no change in judgment)

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B134764 People
 v.
 Compton and Donaldson

Merits:

Argued by Thomas T. Ono for appellant Donaldson. Argument waived by appellant Compton. Argued by Theresa A. Cochrane, deputy attorney general, for respondent. Cause submitted.

B145180 Gilbert
 v.
 Trustees of the California State University

Merits:

Argued by Hadassa K. Gilbert for appellant and by Kenneth G. Lake for respondent. Cause submitted.

B136084 Morehouse et al.
 v.
 Zinger

Merits:

No appearance made by appellant. Argued by Denise M. Howell for respondent. Cause submitted.

B143621 Everest Cable Investors, et al.
 v.
 Jones Intercable, Inc., et al.

Merits:

Argued by Charles F. Palmer for appellants and by John A. Kronstadt for respondents. Cause submitted.

DIVISION FOUR (Continued)

B138542 Granger et al.
 v.
 Caitac Corporation et al.

Merits:
Argued by J. Thomas Cairns, Jr. for appellants and by Allan E. Ceran for respondents. Cause submitted.

B141041 Rossi
 v.
 Rossi

Merits:
Argued by Michael Jay Berger for appellant and by Claudia Ribet for respondent. Cause submitted.

B139643 Gaulin et al.
 v.
 SunAmerica, Inc., et al.

Merits:
Argued by David J. Becht for appellants and by Hayward J. Kaiser for respondent SunAmerica, Inc. Argument waived by respondent Diba. Cause submitted.

B143298 Haskin
 v.
 20th Century Fox Film Corporation

Merits:
Argued by Nikki Tolt for appellant and by Jon D. Meer for respondent. Cause submitted.

Court in recess.

DIVISION FOUR (Continued)

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B142524 Drum
 v.
 Farr

Merits:

Argued by Joel Drum for appellant. Respondent waived oral argument.
Cause submitted.

B139127 Desert Petroleum
 v.
 Berkovics et al.

Merits:

Argued by Vincent J. Quigg for appellant and by Darren J. Devlin for respondents. Cause submitted.

B140486 Kim
 v.
 County of Los Angeles et al.

Merits:

Argued by Diane K. Huntley for appellant, by Brian T. Chu, deputy county counsel for respondent County of Los Angeles, by Gregg M. Gu for respondent City of Irwindale and by Robert J. Gokoo for respondent City of Monrovia. Cause submitted.

DIVISION FOUR (Continued)

Each of the following:

B143761 People v. Holman
B143890 People v. Henderson
B141271 People v. Machado
B140793 People v. Feal
B142919 People v. Angulo and Zuniga
B140869 People v. Huerta
B148472 Tommy W. v. SCLA (DCFS)
B143060 DCFS v. Diana S.
B139827 DCFS v. Cornelius S.
B143186 Hill v. Peck
B133805 G&G Fire Sprinklers, Inc. v. SCLA (Bank One)

Argument waived, cause submitted.

Court in recess.

DIVISION FIVE

B142746 People (Not for Publication)
v.
Pearson

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B144795 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Robert H.

The order is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B140184 Robert Paul
 v.
 McDonnell-Douglas et al.

Filed order denying petition for rehearing.

B143619 Kahn, et al. (Not for Publication)
 v.
 Pierlite Party LTD, et al.

The judgment is affirmed with respect to the jury verdict and the order dismissing the cross-complaint. The order granting summary adjudication is reversed. The summary judgment in favor of Clipsal USA, Incorporated is reversed. Plaintiffs, Myron Kahn and Beatrice Kahn doing business as Polarized Lighting International, shall recover their costs incurred on appeal jointly and severally from all defendants.

Turner, P.J.

We concur: Grignon, J.
 Willhite, J. (Assigned)

B141709 People (Certified for Partial Publication)
 v.
 Julio Salas

That portion of the judgment which imposes a 15-year minimum parole eligibility date pursuant to Penal Code section 186.22, subdivision (b) (5) is reversed. The cause is remanded for a limited retrial on the issue of whether defendant personally used a firearm. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B146204 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Keysha P.
In re Jermayne S.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B145555 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Celia C.
In re Joey C.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

B143756 People (Not for Publication)
v.
Perez

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B141501 People (Not for Publication)
v.
Cosio, et al.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

B143230 People (Not for Publication)
v.
Omar

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
Willhite, J. (Assigned)

B146096 People (Not for Publication)
v.
Montgomery

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B141904 Kassner et al. (Not for Publication)
 v.
 Prosofttrainnig.com et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B144451 Child Protective Services v. Robyn R.

Argument waived, cause submitted.

B145403 Human Services Agency
 v.
 Freddie O.

Merits:

Argued by Maureen Keaney for appellant and by Patricia McCourt,
assistant county counsel, for respondent. Cause submitted.

B143491 Darrow
 v.
 McAuliffe

Appearances:

Carmen S. Martin for appellant and by Priscilla F. Slocum for respondent.
Argument waived, cause submitted.

DIVISION SIX (Continued)

B144391 Kain
 v.
 California Department of Health Services

Merits:

Argued by Andrew Wolf for appellants and by Susan A. Nelson, deputy attorney general, for respondent. Counsel shall serve and file simultaneous supplemental letter briefs within ten days, at which time the matter will stand submitted.

Court recessed at 10:05 A.M.

Court reconvened at 10:15 AM

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Deputy Clerk.

B141538 De Veer
 v.
 Land Rover North America, Inc.

Merits:

Argued by Steven B. Stevens for appellants and by Malcolm E. Wheeler for respondents. Cause submitted.

Court recessed at 10:35 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B136451 People v. Yarikov
B138211 People v. Larsuel
B139656 People v. Martinez
B140371 People v. Ransome
B140934 People v. Walley
B141782 People v. Rodriguez
B142243 People v. Johnson

DIVISION SIX (Continued)

Each of the following (continued):

B142316 People v. Wier
B142940 People v. Westerfield
B143178 People v. Campero
B143523 People v. Aguayo
B143800 People v. Hardacre
B144042 People v. Alfaro
B144294 People v. Gatica
B144704 People v. Silver
B146146 People v. Chavez
B146537 People v. Northup

Argument waived, cause submitted.

B143629 People
 v.
 Gonzales

Merits:

Argued by Patricia Jean Ulbarri for appellant via video conference and by Ronald A. Jakob, deputy attorney general, for respondent via video conference. Cause submitted.

B143055 People
 v.
 Clarissa P.

Merits:

Argued by Rhonda G. Schmidt for appellant and by Juliet H. Swoboda, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B136409 People
 v.
 Chambers

Merits:

Argued by Christine Vento for appellant and by Robert C. Schneider, deputy attorney general, for respondent via video conference. Cause submitted.

B149825 In re Christie on Habeas Corpus

Order to Show Cause:

Presented by Catherine A. Duffy for petitioner, by Michelle J. Contois, deputy district attorney, for respondent, and by Michael C. McMahon, chief deputy public defender, for amicus curiae. Cause submitted.

Court recessed at 3:20 P.M.

Court reconvened at 3:35 PM

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Deputy Clerk.

B143397 People
 v.
 Brader

Merits:

Argued by Wayne C. Tobin for appellant and by Michelle M. Paffile, deputy attorney general, for respondent via video conference. Cause submitted.

B138316 People
 v.
 Gray

Merits:

Argued by Richard C. Gilman for appellant and by Karen Bissonnette, deputy attorney general, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B145806 People
 v.
 DeLucas & Flores

Merits:

Argued by Michael D. Schwartz, deputy district attorney, for appellant and by Michael C. McMahon, chief deputy public defender, for respondent Flores. No appearance and argument waived by counsel for respondent DeLucas. Counsel shall serve and file simultaneous supplemental letter briefs within six days, at which time the matter will stand submitted.

B143054 People
 v.
 Maria A.

Merits:

Argued by Rhonda G. Schmidt for appellant and by Kenneth N. Sokoler, deputy attorney general, for respondent via video conference. Cause submitted.

Court adjourned at 4:30 P.M.